



THE CITY OF NEW YORK
LAW DEPARTMENT
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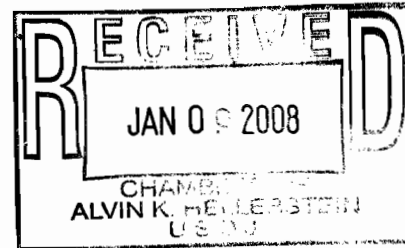
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January 8, 2008

VIA FACSIMILE (212) 805-7942

The Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street,
New York, New York 10007



Re: *James Martin v. City of New York, et al.*, 07 CV 2996 (AKH)

Dear Judge Hellerstein:

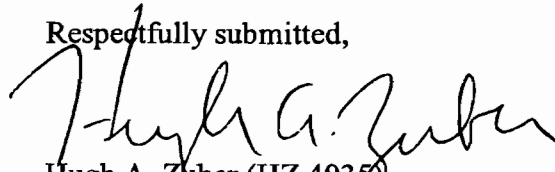
I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendant City of New York, Luis Matos, and Sammie McCovey. I was re-assigned to this case yesterday as Assistant Corporation Counsel Craig Hanlon, who due to an unforeseen emergency, will be away from the office for an indefinite period of time. I am writing to request a fourteen-day enlargement of time, from January 8, 2008 to January 22, 2008, within which this office may answer or otherwise respond to the amended complaint which recently added three new defendants. This is the City's second request for an enlargement of time in this action. I have spoken with Plaintiff's counsel, Arienne Irving, Esq., who did not consent to this request but stated that she would not oppose it.

*So ordered
no more adjournments.
1/9/08
Alvin K. Hellerstein*

Pursuant to Section 50-K of the New York General Municipal Law, the Corporation Counsel's office must determine based on a review of the facts of the case whether we may represent these newly named individual defendants. These individuals must then decide whether they wish to be represented by the Corporation Counsel and if so, the Corporation Counsel's office must obtain their written authorization. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985)(quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985)(decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

In view of the foregoing, we respectfully request the Court grant the within request.
Thank you for your consideration herein.

Respectfully submitted,



Hugh A. Zuber (HZ 4935)
Assistant Corporation Counsel

cc: Arienne Jill Irving, Esq.
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